

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

MICHAEL A.,

Claimant,

v.

REDWOOD COAST REGIONAL
CENTER,

Service Agency.

OAH No. 2012070447

DECISION

Administrative Law Judge Melissa G. Crowell, State of California, Office of Administrative Hearings, heard this matter telephonically from the Office of Administrative Hearings in Oakland, California, on August 21, 2012. Service agency appeared by telephone from the offices of Redwood Coast Regional Center in Crescent City, California. Claimant did not appear for hearing.

There was no appearance by claimant Michael A.

Redwood Coast Regional Center was represented by Kathleen Kasmire, Supervisor of the Eureka Office.

The matter was submitted on August 21, 2012.

ISSUE

May Redwood Coast Regional Center discontinue funding 25 hours per month of Supported Living Services for claimant?

FACTUAL FINDINGS

1. Claimant is an adult consumer of Redwood Coast Regional Center (RCRC) based on a diagnosis of mild mental retardation. Claimant lives in the community by himself.

2. On July 2, 2012, RCRC issued a notice of proposed action advising claimant that it was discontinuing funding 25 hours per month of Supported Living Services. The cited reason for the change in service was:

[Claimant] has consistently demonstrated that he is self-sufficient and does not require Supported Living Services in order to meet his IPP goal “to live independently in a living arrangement of his choice.”

3. Claimant filed a Fair Hearing Request on his own behalf. The reason he gave for requesting a hearing and for the continuance of services was:

Still need to have services, especially transportation of medical appts.

4. Claimant’s most recent IPP was prepared in the fall of 2009. At that time, the stated goal of Supported Living Services was to assist claimant in selecting and moving into appropriate housing. Claimant now has stable housing. When claimant used Supported Living Services in the past, he was consistently dissatisfied with the provider’s assistance, and ultimately located places to live on his own.

5. Claimant has not used, and is not using, 25 hours of Supported Living Service hours each month as authorized by the IPP.

6. An IPP meeting was held with claimant on January 23, 2012, to discuss with him what he perceived to be needs and goals for Supported Living Services. Claimant did not express any current need or current goal for the services. An IPP addendum of that date was developed to reflect claimant’s lack of need for Supported Living Services:

[Claimant] completes all activities of daily living on his own (planning, shopping, cooking and storage.) He performs routine household activities such as cleaning and maintaining a safe home. He locates and schedules appropriate local medical and dental services, as well as out of the area services. He has shown an ability to locate and choose roommates, acquire furnishing and settle disputes. [Claimant] manages his own financial affairs the way he desires. He knows how to access governmental agencies, self-advocate, and participate in the community as much or as little as desired. He can appropriately access emergency services and he is able to use local public

transportation as well as using his personal bike to transport himself locally. Since [claimant] is able to complete all these tasks independently, RCRC is declining to continue funding Supported Living Services as related to housing and community access.

7. Samantha Hunt is claimant's Service Coordinator. Hunt and claimant discussed claimant's need for assistance in traveling to medical appointments outside of the Crescent City area. Claimant sometimes has medical appointments in Eureka, which is located 90 miles south of Crescent City. There is no suitable public transportation option for claimant to use to get to Eureka and back to Crescent City. Claimant does not have a family member or other resource to drive him to Eureka. Hunt proposed to claimant that RCRC would fund travel assistance for each of his out-of-area medical appointments if claimant were to provide RCRC with 30-days notice to make arrangements. Claimant verbally agreed to that plan.

8. In accordance with that agreement, RCRC prepared an August 13, 2012 addendum to the 2009 Individual Program Plan. The addendum references claimant's objective to have access to appropriate medical care, and sets forth the following plan to achieve that objective:

1.1a [Claimant] will alert his Service Coordinator when he has been referred for medical care out of the immediate area. He will provide 30 day's notice whenever feasible.

1.2a. RCRC will review the request for travel assistance and determined if there are not alternative natural, generic, or other options that would meet the medical need or the need for out-of-area travel.

1.3a RC funding will be determined on a situation by situation basis and may vary depending on the need. This may include providing transportation via a Supported Living Service Agency if the need warrants this level of support and there is an available vendor.

1.4 RC funding will be outlined via addendums to [Claimant's] IPP.

9. Claimant has not returned to RCRC in order to sign the IPP addendum, which is required to make it legally effective.

LEGAL CONCLUSIONS

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Welf. & Inst. Code, 4500 et seq.).¹ The Lanterman Act mandates that an “array of services and supports should be established . . . to meet the needs and choices of each person with developmental disabilities . . . and to support their integration into the mainstream life of the community.” (§ 4501.) Regional centers are charged with the responsibility of carrying out the state’s responsibilities to the developmentally disabled under the Lanterman Act. (§ 4620, subd. (a).) The Lanterman Act directs regional centers to develop and implement an IPP for each individual who is eligible for regional center services. (§ 4646.) The IPP states the consumer’s goals and objectives and delineates the services and supports needed by the consumer. (§§ 4646, 4646.5, & 4648.)

2. Supported Living Services are one of the supports that may be provided to regional center consumers. (§ 4689; Cal. Code Regs., tit. 17, § 58614.) The Legislature has placed “a high priority on providing opportunities for adults with developmental disabilities . . . to live in homes they own or lease with support available as often and for as long as needed, when that is the preferred objective in the individual plan.” (Emphasis added.) (§ 4689.) Supported Living services are to be tailored to meet the consumer’s evolving needs and preferences for support. (Cal. Code Regs., tit. 17, § 58614.)

3. The evidence establishes that claimant has stable housing, and that he does not have a current need for Supported Living Services at the rate of 25 hours per month toward his goal of living independently in a living arrangement of his own choice. The evidence establishes that claimant does not require Supported Living Services for any other identified goal in the IPP. RCRC has properly determined to discontinue these services.

4. RCRC has agreed to fund transportation assistance for claimant so that he may access out-of-area medical appointments. Claimant is encouraged to sign the August 13, 2012 IPP addendum so that this service may be provided to him.

¹ All statutory references are the Welfare and Institutions Code unless otherwise provided.

ORDER

The appeal of claimant Michael A. is denied.

DATED: August 22, 2012

MELISSA G. CROWELL
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision in this matter. Both parties are bound by this decision. Either party may appeal the decision to a court of competent jurisdiction within 90 days of receiving notice of the decision. (Welf. & Inst. Code, § 4712.5, subd. (a).)